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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,530	05/16/2006	Quirin Sterner	PNL21552	8414
77407	7590	12/17/2008	EXAMINER	
Novak Druce & Quigg LLP 1300 I Street NW Suite 1000 West Tower Washington, DC 20005			MCCALL, ERIC SCOTT	
			ART UNIT	PAPER NUMBER
			2855	
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			12/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,530	<b>Applicant(s)</b> STERNER, QUIRIN	
	<b>Examiner</b> Eric S. McCall	<b>Art Unit</b> 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**METHOD FOR DETERMINING ADDITIONAL FUEL  
CONSUMPTION IN A MOTOR VEHICLE AND METHOD  
FOR DISPLAYING ADDITIONAL FUEL CONSUMPTION**

**NON-FINAL OFFICE ACTION**

This action is in response to the Applicant's Request for Continued Examination received on Oct. 14, 2008.

**CLAIMS**

**OBJECTIONS**

Claim 6 is objected to because of the phrase "at least one current values" (line 4) should read --at least one current value--.

35 U.S.C. § 112

Claim 5 remains rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention because the phrase “the characteristic fields” lacks antecedent basis and is thus indefinite as to what is being referred to (The Examiner also notes that the indicated added and deleted phrases of amended claim 5 are not consistent with the previously pending claim 5).

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant’s admitted prior art of Barske (5,336,932).

With respect to claim 1, Barske suggests a method for determining the fuel consumption of an electrical consumer in a motor vehicle with an internal combustion engine, supplied by a generator which is driven by the internal combustion engine, comprising

determining at least one current value of the generator mechanical power input upon energization of the electrical consumer (col. 5, lines 1-21 and col. 6, lines 37-44).

With respect to claims 2 and 3, Barske sets forth that the monitoring of power discharging from the battery, and thus inputting into the generator, is continuous and as such “at different times” and when an “electrical consumer is connected” as claimed.

With respect to claim 5, Barske suggests determining electrical power input by means of characteristic field values as claimed (Fig. 1).

*Allowable Subject Matter*

Claims 4, 6, and 7 have been found to be allowable over the prior art.

*Response To Arguments*

The Applicant’s arguments have been considered but have not been found to be persuasive.

Barske sets forth that the connection of the generator has resulted in an increase in the fuel consumption because of the power demand increase. Thus, as the demand on the generator increases, by any electrical consumer that the generator supplies power to, the amount of fuel

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consumption increases. In addition, the generator of Barske itself can be deemed as the electrical consumer as claimed because nothing in the claim distinguishes the electrical consumer from the generator.

Thus, one could view the generator itself as the “electrical consumer” as claimed, or one could view the generator and any electrical device connected therefrom as being the “electrical consumer” as claimed.

Col. 5, lines 1-21 of Barske sets forth that when the generator is connected the fuel consumption increases and sets forth how much of a power demand the generator is requiring and how much fuel consumption increases.

As such, Barske suggests the Applicant’s claimed invention.

The Applicant’s arguments pertaining to the traction battery 8 have been considered but the passages of Barske relied upon by the Examiner as set forth above suggest the Applicant’s invention as claimed because the claims do not define the generator or the electrical consumer.

### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric S. McCall/  
Primary Examiner  
Art Unit 2855